

31. (new) The hanger of Claim 17 wherein said film hinge is oriented in a substantially vertical position.

32. (new) The hanger of Claim 17 wherein said film hinge is oriented in a substantially horizontal position.

REMARKS

In the last Official Action, Claims 1 and 8-12 were rejected under 35 U.S.C. §112 on the basis of several technical objections as to form. Also, Claims 1-8 and 15 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent 3,707,271 to Sanchez ("Sanchez (C)") in combination with U.S. Patent 5,713,467 to Kao ("Kao (B)"). In addition, Claims 9-14 and 16 were rejected as being unpatentable under 35 U.S.C. §103 over the combination of Sanchez (C) and Kao (B) in view of U.S. Patent 4,983,047 to Netto ("Netto (A)") and French Patent 2,579,174 to Ausnit ("Ausnit (N)").

In response to the last Official Action, the application has been amended to overcome technical objections to the claims and specification and to better point out and more distinctly claim the subject invention.

The presently disclosed invention is directed to a hanger for use with plastic bags that are suitable for containing various merchandise for retail display. The hanger includes a card body (2) that defines a fastening surface (7) thereon. A holding strip (11) cooperates with the fastening surface to define a gap therebetween. The hanger cooperates with a plastic bag. The hanger suspends the

bag from an upper edge of the bag that is secured in the gap between the holding strip (11) and the fastening surface (7). Fastening surface (7) is recessed from the front side (4) of card body (2) such that, at times when holding strip (11) is closed, the front side (4) of card body (2) and holding strip (11) form a continuous plane surface.

In the subject application, the disclosed invention is distinguished from hangers wherein the merchandise for display is secured either directly in the hanger, or in a plastic bag that is attached to the hanger by staples or other fasteners. Among other advantages, the disclosed invention provides a continuous plane surface for the display of advertising on the hanger. This is in contrast to the display and advertising on the plastic bag, thereby affording higher visibility of the merchandise and also reducing the necessary inventory of plastic bags.

As presently amended, Claim 1 is patentable over Sanchez (C) and Kao (B), either alone or in combination in that, among other structure, Claim 1 requires: A "card body" and "holding strips" wherein;

"each of said holding strips cooperat[es] with said card body at times when said holding strip is pivoted adjacent to said card body to define a gap between the holding strip and the fastening surface of the card body [with the] hanger supporting the bag in the gap between the holding strip and the fastening surface of the card body."

Neither Sanchez (C) nor Kao (B) describe or suggest such structure. According to Sanchez (C), a device for holding plastic bags in an open or closed position includes members (a and b) that are pivotally connected to each other by a

rod (1). The opposing sides of a bag near the open end of the bag are clamped to two oppositely disposed recesses (13) by respective elements (15) that fit within the recesses (13). Each of recesses (13) is secured to a respective member (a or b).

In Sanchez (C), the bag is "closed" by closing the members (a and b) together. The bag is "opened" by opening the members (a and b) apart. However, there is no structure in Sanchez (C) by which the members (a and b) "define a gap between [member (b)] and the fastening surface of [member (a)] with the hanger supporting the bag in the gap between [member (b)] and the fastening surface of [member (a)]" as required by Claim 1. In contrast, in Sanchez (C) one side of the bag is clamped to member (b) by an element (15) and the other side of the bag is clamped to member (a) by another element (15). As a consequence, when members (a and b) are closed together, the bag is not supported "in the gap between [member (b)] and the fastening surface of [member (a)]."

Claim 1 is patentable over Kao (B) for the same reasons that are stated with regard to Sanchez (C). Kao (B) describes a tool display pack wherein the body (10) includes a hole (11) such that the body can be hung on a hook. The body (10) also defines a slot (12) and a hole (13). A catch member (20) is pivotally connected to body (10). The catch member (20) includes a recessed portion (21) so that body (10) and catch member (20) define a space therebetween wherein a tool can be secured.

Unlike the holder of Claim 1, Kao (B) does not even disclose the use of a bag to display merchandise. Rather Kao (B) discloses the use of a card to directly secure the merchandise. The arrangement of Kao (B) is thus in the same general manner

of EPO 540810 which was cited and distinguished in the subject application.

Nothing in Kao (B) describes or suggests a "card body" and "holding strips" wherein;

"each of said holding strips cooperat[es] with said card body at times when said holding strip is pivoted adjacent to said card body to define a gap between the holding strip and the fastening surface of the card body [with the] hanger supporting the bag in the gap between the holding strip and the fastening surface of the card body."

Neither can Kao (B) be properly combined with Sanchez (C) in the absence of the Applicant's own teachings to make the invention of Claim 1 unpatentable. The Official Action cites Kao (B) as teaching the use of a card body, but there is no teaching or suggestion in Kao (B) for combining the card therein disclosed with any of the structure that is disclosed in Sanchez (C). Absent a teaching or motivation apart from the Applicant's own teachings, such a reconstructive combination of references does not make the subject invention unpatentable. Ruiz v. A.B. Chance Co., 234 F.3d 654, 57 U.S.P.Q. 2d 1161 (Fed. Cir. 2000); Ecolochem, Inc. v. Southern California Edison Co., 227 F.3d 1361, 56 U.S.P.Q. 2d 1065 (Fed. Cir. 2000).

Claims 9-14 and 16 were rejected under 35 U.S.C. §103 based on the combination of Sanchez (C) and Kao (B) in further combination with Netto (A) and Ausnit (N). Among other reasons, Claims 9-14 and 16 are patentable over Netto (A) and Ausnit (N), either alone or in combination, for the same reasons that are stated with respect to Sanchez (C) and Kao (B).

Netto (A) describes an envelope with a closure device wherein rectangular parts (2 and 3) are joined by a hinge (4). A tongue (6) is connected to part (1) and

cooperates with an ear (8) to secure the closure device to envelope (15). Pins (9) that are formed in part (2) pass through orifices (20) in envelope (15) and are received and locked in socket formations (10). Ausnit (N) describes a re-sealable bag that is made from two strips of plastic material having male and female closure beads.

Claims 9-14 and 16 depend from Claim 1 and therefore incorporate all of the structure of Claim 1. Neither Netto (A) nor Ausnit (N) describe or suggest a "card body" and "holding strips" with a "gap between the holding strip and the fastening surface of the card body [with the] hanger supporting the bag in the gap between the holding strip and the fastening surface of the card body" as required by Claim 1. Neither Netto (A) nor Ausnit (N) disclose a "card body" and there is no teaching in either of those references for their combination in order to establish the further structure that is required by Claim 1. Ruiz v. A.B. Chance Co., 234 F.3d 654, 57 U.S.P.Q. 2d 1161 (Fed. Cir. 2000); Ecolochem, Inc. v. Southern California Edison Co., 227 F.3d 1361, 56 U.S.P.Q. 2d 1065 (Fed. Cir. 2000).

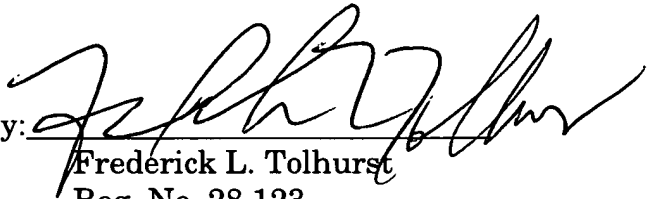
New Claims 17-32 include the structure of Claim 1-16 and are patentable over the cited references for the same reasons as Claims 1-16. In addition, Claim 17 is also patentable over the cited references for the reason that it further requires: a "holding strip" in which "the opposite side of the holding strip cooperat[es] with the card body to form a continuous plane surface that can receive a label." None of Sanchez (C), Kao (B), Netto (A) or Ausnit (N), either alone or in combination, anywhere describe or suggest such structure. Claims 18-32 depend from Claim 17

and therefore include all of the structure of Claim 17 and are patentable over those references for the same reasons as Claim 17.

The other references that were cited by the Official Action but not specifically applied against the claims have been carefully reviewed, but are not seen to make the subject invention unpatentable.

In accordance with the foregoing amendments to the claims and in view of the above remarks, Claim 1-32 are believed to be in condition for allowance and such allowance is hereby respectfully requested.

Respectfully submitted,

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Appendix A

In the Specification:

Please find below Page 1, lines 19-20 of the Specification marked-up to show the changes incorporated in the above amendment:

To achieve the set object, the hanger disclosed herein includes a card body that has at least one recess. The card body has one side with a portion of that side defining a fastening surface. At least one holding strip cooperates with the card body to define a gap between the holding strip and the card body at times when the holding strip is located adjacent to the card body. At least one film hinge corresponds to a respective one of each of said holding strips and pivotally connects the corresponding holding strip to the one side of said card body. Each of the holding strips cooperates with the card body at times when the holding strip is pivoted adjacent to the card body to define a gap between the holding strip and the card body such that the bag is maintained in the gap between the holding strip and the fastening surface of the card body~~invention is characterised by the technical instruction of claim 1.~~

In the Claims:

Please find below claims 1 and 8-12 marked-up to show the changes incorporated in the above amendment:

1. (Amended) A hanger for use with a bags that contains merchandise for display, said bag having an upper edge from which the bag is supported by the hanger, said hanger comprising:

a card body having at least one recess, said card body defining one side with a portion of said one side defining a fastening surface;

at least one holding strip, said holding strip cooperating with said card body to define a gap between the holding strip and the card body at times when the holding strip is located adjacent to the card body; and

at least one film hinge, each film hinge corresponding to a respective one of each of said holding strips and pivotally connecting the corresponding holding strip to the one side of said card body, each of said holding strips cooperating with said card body at times when said holding strip is pivoted adjacent to said card body to define a gap between the holding strip and the fastening surface of the card body, said hanger supporting ~~such that the bag is maintained~~ in the gap between the holding strip and the fastening surface of the card body.

8. (Amended) The hanger of Claim 2 wherein the ~~latch~~ means for latching extends through the bag that is maintained between the holding strip and the card body.

9. (Amended) The hanger of Claim 8 wherein the ~~latch~~ means for latching comprises mandrels that are connected to the holding strip.

10. (Amended) The hanger of Claim 8 wherein the ~~latch~~ means for latching comprises mandrels that are connected to the card body.

11. (Amended) The hanger of Claim 1 wherein the bag that is maintained in the hanger includes a closure bead along the upper edge~~opening~~ of the bag, said card body and said holding strip further cooperating to define a transverse cavity that receives the closure bead of the bag at times when the bag is maintained in the hanger.

12. (Amended) The hanger of Claim 1 wherein the bag that is received in the hanger includes a closure bead along the upper edge~~opening~~ of the bag, said card body and said holding strip further cooperating to define a transverse open slot that receives the closure bead of the bag at times when the bag is maintained in the hanger.